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In re Application of :
Ogawa :
Application No.: 10/505,226 :
PCT No.: PCT/JP03/02198 :
Int. Filing Date: 27 February 2003 : COMMUNICATION
Priority Date: 27 March 2002 :
Attorney Docket No.: 20277 :
For: Fuel Cell System And Protection Method Thereof :

This is in response to the "Request For Official Filing Receipt" filed on 18 March 2005. A cursory review of the application file reveals that, *inter alia*, a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371" was filed on 20 August 2004. Counsel's attention is respectfully drawn to MPEP 1893.03(b), which explains in part that

37 CFR 1.496(a), first sentence, reads "International applications which have complied with the requirements of 35 U.S.C. 371(c) will be taken up for action based on the date on which such requirements were met." Thus, when the file wrapper label or PALM bib-data sheet *and filing receipt are printed, the information is read from the PALM data base and the information printed in the filing date box is the date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements rather than the actual international filing date. **> The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495 (Form PCT/DO/EO/903), a copy of which is reproduced in MPEP § 1893.03(a), indicates the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements, and it also indicates the date of completion of all 35 U.S.C. 371 requirements, which is further explained below. The "Application Filing Date" field >formerly< displayed in ** PAIR **>was< changed to "Filing or 371(c) Date" to clearly indicate that for international applications that enter the national stage under 35 U.S.C. 371, the information displayed in this field is the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong. This explanation should offer some clarity.

In accordance with the foregoing passage, it was not appropriate to prepare and mail a filing receipt in this case until the case had been processed and found to be in compliance with 35 U.S.C. 371(c)(1), (2) and (4). This processing did not conclude until the mailing of the Notification of Acceptance (Form PCT/DO/EO/903) on 24 March 2005. Therefore, counsel should expect to receive the expected filing receipt in the near future.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.

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